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Attorneys for Boilermakers Local 502

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 19

UNITED ASSOCIATION OF PLUMBERS, et al.,  
  
Respondents,  
  
and  
  
ASSOCIATED GENERAL CONTRACTORS,  
  
Charging Party,  
  
GRAHAM CONTRACTING, LTD.,  
  
Employer.

Case Nos. 19-CE-234627  
19-CE-234637  
19-CE-234641  
19-CE-234644  
19-CE-234646  
19-CE-234648  
19-CE-234650  
19-CE-234651  
19-CE-234653  
19-CE-234685  
19-CE-234687  
19-CE-234691  
19-CE-234692  
19-CE-234694  
19-CE-234707  
19-CE-234712  
19-CE-234731

**RESPONSE TO ORDER TO SHOW  
CAUSE**

## **REMEMBER GEORGIA!**

On January 20, 2021, President Biden will be able to appoint another member of the Board. When Member Emanuel leaves the Board, on or before August 27, 2021, President Biden will be able to appoint another member of the Board. Shortly after August 27<sup>th</sup>, the new Board majority will undoubtedly dismiss the complaint. In fact, it may be a good opportunity for the new Board majority to establish a very broad principle affirming *Boston Harbor* and the proposition that public entities can enter into any agreement so long as not purely regulatory. There may be a First Amendment argument that the government cannot prohibit a union from entering into a no-subcontract arrangement when any other person can do so.

There is a certainty that the new Board will issue a decision that is favorable to Respondents, and perhaps a much more favorable decision than the AGC and Peter Robb thought about.

GEORGIA thus has turned the tables on the General Counsel and his unexplained theory. The problem is that there really is no theory. The General Counsel can't figure out a way around *Boston Harbor*. That is why this case has been around for two years. See the Motion for a More Definite Statements made by the Respondents.

The motion for continuance should be granted. This will be a waste of the Board's resources although the Respondents look forward to a new Board which will undoubtedly render a decision the AGC, Peter Robb and Graham Contractors will not like. One wonders why they haven't withdrawn the charge. It may be that the lawyers have been paid so much for this case where no one can express a viable theory, that no one is willing to explain to the clients that they wasted all this money. But they could just say GEORGIA. But then some of them may have seen how depraved Trump was and welcomed his defeat.


By the time this case gets to the Board, Member Emanuel will be off advising clients about conflicts of interest and ethical duties of lawyers. Peter Robb will be off making far more money than he did before his appointment.

For these reasons Local 502 does not oppose the motion for continuance and it should be granted.

Organize and Resist,

Dated: January 13, 2021

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By:   
\_\_\_\_\_  
DAVID A. ROSENFELD

Attorneys for Boilermakers Local 502

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## **CERTIFICATE OF SERVICE**

Case Nos. 19-CE-234627  
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I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On the date below, I served the following documents in the manner described below:

### **RESPONSE TO ORDER TO SHOW CAUSE**

- ☒ 1. **(BY ELECTRONIC SERVICE)** By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from lgondreau@unioncounsel.net to the email addresses set forth below.

On the following parties in this action:

#### ***For the NLRB Region 19***

Anne Pomerantz, Regional Attorney

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(Davis Grimm Payne & Marra)

#### ***For the Respondents:***

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(Robblee Detwiler PLLP)

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(Barnard, Iglitzin & Lavitt, LLP)

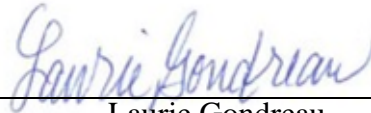
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(Sherman Dunn, P.C. )

***Involved Party Graham Contracting, Ltd.:***

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(Sebris Busto James)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 13, 2021 in Emeryville, California.



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Laurie Gondreau